IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Writ Petition No. 950 of 2006 (M/B)

Pawan Kumar S/o Sri Ugrasen Singhal,
R/o Sanjay Colony, Bazpur,
P.S. Bazpur, District Udham Singh Nagar. …… Petitioner

Versus

1. State of Uttaranchal,
through Home Secretary,
Uttaranchal Govt., Dehradun.
2. S.H.O. Bazpur,
District Udham Singh Nagar.
3. Mohd. Waseem Siddiqi,
Incharge Inspector, Pravartan Dal,
Kumaun Range,
Uttaranchal Power Corporation Ltd.,
Haldwani, District Nainital. …….. Respondents

Mr. Dharam Veer Sharma, Senior Counsel with Mr. Mohd. Azim, Advocate for the petitioner.
Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 & 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Dharma Veer Sharma, Senior Counsel with Mr. Mohd. Azim, Advocate for the petitioner.

Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 & 2.

They are heard on admission.

2. Petitioner Pawan Kumar has filed this writ petition for the following reliefs:

> "(a) Issue a writ, order or direction in the nature of certiorari quashing the impugned F.I.R. dated 27.12.2005 lodged by opposite party no. 3 at police station Bazpur Distt. Udham Singh Nagar as case crime no. 2579 of 2005 u/s 135 of Electricity Act 2003 (Annexure No. 1).
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> (b) Issue a writ, order or direction in the nature of mandamus directing the opposite party no. 1 and 2 not

to arrest the petitioner in connection of FIR dated 27.12.2005 lodged by opposite party no. 3 at police station Bazpur Distt. Udham Singh Nagar as case crime no. 2579 of 2005 u/s 135 of Electricity Act, during the pendency of the above writ petition.

(c) Any other suitable order or direction which the Hon'ble Court may deem fit in favour of the petitioners, may also be passed."

3. The petitioner is apprehending his arrest for his alleged involvement in Crime No. 2579 of 2005 registered at Police Station Bazpur District Udham Singh Nagar for the alleged commission of the offence punishable under Section 135 of the Indian Electricity Act, 2003.

4. From the First Information Report lodged by respondent No. 3 Mohd. Waseem Siddiqi, Incharge Inspector, Uttaranchal Power Corporation Ltd., Haldwani, it is apparent that petitioner Pawan Kumar, in his capacity as Manager of Balaji Agro Products, Kashipur Road, Maheshpur, Bazpur, was found drawing electric energy unauthorisedly directly from the transformer on 27.12.2005, when the said Industry was inspected by the officers of the Uttaranchal Power Corporation.

5. On due consideration of the submissions of the learned counsel for the parties and in view of the serious nature of the allegations against the petitioner in the First Information Report, we are of the opinion that it is not a fit case for grant of any of the reliefs sought by the petitioner in the writ petition.

6. The writ petition, therefore, is liable to be dismissed summarily.

7. However, we deem it proper to direct that in the event of arrest of petitioner Pawan Kumar by the police or his surrender before the court concerned, his bail petition shall be taken up for hearing in accordance with law without any undue delay.

8. With the above observation, the writ petition stands disposed of.

9. With the above order, CLMA No. 10027 of 2006 also stands disposed of.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**
08.08.2006 **08.08.2006**

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